

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RYAN WICKERHAM

V.

BAY VIEW LOAN SERVICING, ET AL

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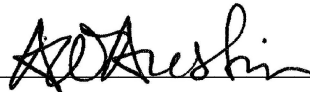
A-14-CV-1033-LY

ORDER

Before the Court is Ryan Wickerham's Application to Proceed *In Forma Pauperis* and Financial Affidavit in Support (Dkt. No. 1). The District Court referred the motion to the undersigned Magistrate Judge for a determination on the merits pursuant to a standing order of the Court and 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C to the Local Rules of the United States District Court for the Western District of Texas.

There is no absolute right to proceed in federal court without paying a filing fee in civil matters. *Startti v. United States*, 415 F.2d 1115, 1116 (5th Cir. 1969). "[R]ather, it is a privilege extended to those unable to pay filing fees when the action is not frivolous or malicious." *Id.* After carefully reviewing Wickerham's financial affidavit, the Court finds that he has sufficient resources to pay the requisite \$400.00 filing fee if he so chooses. Accordingly, the Court **HEREBY DENIES** Wickerham's Application to Proceed *In Forma Pauperis* (Dkt. No. 1) and **ORDERS** him to submit to the Clerk of the Court the \$400.00 filing fee in this cause on or before **December 8, 2014**. If Wickerham does not pay the filing fee by December 8, 2014, the Court will recommend that the District Court dismiss his case for failure to prosecute.

SIGNED this 1st day of December, 2014.



ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE